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**Attorneys for Plaintiffs**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

JANE DOE NOS. 1 - 22, inclusive, individuals;  
Plaintiffs,  
v.

GIRLSDOPORN.COM, a business organization, form  
unknown; MICHAEL J. PRATT, an individual;  
ANDRE GARCIA, an individual; MATTHEW  
WOLFE, an individual; BLL MEDIA, INC., a  
California corporation; BLL MEDIA HOLDINGS,  
LLC, a Nevada limited liability company; DOMI  
PUBLICATIONS, LLC, a Nevada limited liability  
company; EG PUBLICATIONS, INC., a California  
corporation; MIM MEDIA, LLC, a California limited  
liability company; BUBBLEGUM FILMS, INC., a  
business organization, form unknown; OH WELL  
MEDIA LIMITED, a business organization, form  
unknown; MERRO MEDIA, INC., a California  
corporation; MERRO MEDIA HOLDINGS, LLC, a  
Nevada limited liability company; and ROES 1 - 550,  
inclusive,

Defendants.

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**06/13/2019** at 11:13:00 AM

Clerk of the Superior Court  
By Lee McAlister, Deputy Clerk

LEAD CASE NO.:  
Case No. 37-2016-00019027-CU-FR-CTL

CONSOLIDATED WITH:  
Case No.: 37-2017-00033321-CU-FR-CTL  
Case No.: 37-2017-00043712-CU-FR-CTL

**PLAINTIFFS' MOTION *IN LIMINE* NO. 2  
FOR ORDER EXCLUDING DEFENDANTS  
FROM ASKING ANY PLAINTIFFS ABOUT  
OFF CAMERA SEXUAL ASSAULTS  
COMMITTED BY ANDRE GARCIA**

[PLAINTIFFS' MIL NO. 2 OF 8.]

Judge: Hon. Kevin Enright  
Dept.: 904  
Trial Date: June 24, 2019



1 By this motion, Plaintiffs seek an order precluding *all parties* from attempting to introduce  
2 evidence, ask questions about, or making any arguments or inferences regarding sexual assaults  
3 committed by Andre Garcia off camera.

#### 4 I. INTRODUCTION

5 Plaintiffs' counsel has spoken to well over 100 victims who have identical stories of being  
6 defrauded by Defendants in a manner substantially similar—if not identical—to Plaintiffs. During the  
7 course of those interviews, and in speaking with Plaintiffs, about two dozen women disclosed that  
8 defendant Andre Garcia ("Garcia") sexually assaulted them (or at least tried to) off camera while the  
9 women were in San Diego to film a pornographic video.

10 When Plaintiffs' initially filed this lawsuit, Plaintiffs included false imprisonment and sexual  
11 battery claims (both through fraud and force) in their complaint. Several months into the action,  
12 Plaintiffs voluntarily dismissed their battery and false imprisonment claims to avoid the trauma of  
13 Plaintiffs having to relive these events. As the pleadings currently stand, Garcia's many off camera  
14 sexual assaults are irrelevant to the *legal* issues raised by the causes of action remaining in Plaintiffs'  
15 complaint pertaining to Defendants' fraud (all four species of fraud, misappropriation of likeness, and  
16 Bus. & Prof. Code § 17200 claims).

17 In 2017, Defendants began positioning Garcia directly behind Defendants' counsel during  
18 depositions as a means of intimidating witnesses while they attempted to testify. At one point, Garcia  
19 even started objecting during the deposition. Plaintiffs moved for a protective order to stop this  
20 intimidating conduct. In support of that motion, Jane Doe No. 2 filed a declaration detailing a sexual  
21 assault by Garcia that occurred after filming was over. Defendants spent a significant portion of Jane  
22 Doe No. 2's deposition questioning her on her post filming conduct in response to the sexual assault.

23 Plaintiffs anticipate that Defendants will question Jane Doe No. 2 regarding Garcia's post  
24 filming sexual assault, claiming it is at issue by arguing it is relevant to Jane Doe No. 2's *credibility*  
25 because Jane Doe No. 2's behavior after the sexual assault suggests she was lying in her declaration and,  
26 if Jane Doe No. 2 was lying about the assault in her declaration, then Jane Doe No. 2 must also be lying  
27 about being defrauded by Defendants.

28 ///



1 Even if this Court believes the questioning may tend to elicit evidence of Jane Doe No. 2's  
2 credibility, the topic of Garcia's off camera assaults should be precluded under Evidence Code section  
3 352 for the following reasons:

4 1) after Plaintiffs dismissed their battery claims, Defendants repeatedly blocked Plaintiffs from  
5 conducting discovery on the issue of Garcia's many off-camera sexual assaults claiming it was  
6 irrelevant;

7 2) if this Court allows Defendants to open the door to Garcia's off-camera assaults, the Court  
8 must then allow Plaintiffs to introduce evidence bolstering Jane Doe No. 2's credibility, which would  
9 include eliciting testimony from five other plaintiffs and several non-plaintiffs who were also assaulted  
10 by Garcia off-camera under the same skin-crawling circumstances as Jane Doe No. 2;

11 3) it would be fundamentally unfair to allow Defendants to pursue this topic as a means of trying  
12 to attack Jane Doe No. 2's credibility because Plaintiffs are unable to question Garcia on his conduct  
13 relating to the sexual assaults because he has taken the Fifth Amendment across the board to every  
14 question posed during deposition and will not be taking the stand at trial; and

15 4) trying to determine whether Garcia sexually assaulted Jane Doe No. 2 will create a mini  
16 sexual assault trial within the fraud trial, confuse the issues, and needlessly extend the trial by several  
17 days.

18 While Plaintiffs would relish the opportunity to impugn Garcia's character by having a dozen  
19 victims detail his off-camera sexual assaults, allowing Defendants to open this door by raising the issue  
20 with Jane Doe No. 2 will create an irrelevant second mini trial on Garcia's sexual assault of Jane Doe  
21 No. 2, lengthen trial by several days, and divert attention from the real issues regarding liability. This  
22 Court should therefore issue an order precluding both parties from inquiring or eliciting testimony  
23 regarding Garcia's off camera sexual assaults.

## 24 II. STATEMENT OF FACTS

### 25 a. Garcia Uses the Secrecy of the Pornographic Video to Sexually Assault Women Off- 26 Camera While the Victims are in San Diego

27 The entire purpose of Defendants' fraudulent scheme is to make the victim falsely believe she  
28 can make thousands of dollars filming a pornographic video without the fear of having any friends,



1 family, classmates, or employers know about it before, during or after filming. To give the victims' this  
2 false belief, Defendants and their references tell the victims a series of rehearsed lies that are designed to  
3 alleviate the victims' concerns about anyone finding out she filmed a pornographic video—something  
4 Defendants know their victims would never do if they knew of Defendants true intentions of publishing  
5 the video on dozens of websites that are easily accessible to anyone in the United States. Defendants'  
6 scheme, from beginning to end, is meant to give the victim the false impression this will be a secret she  
7 can take with her to the grave.

8 Because of the moral stigma that surrounds pornography, the mere fact that a victim *chose* to fly  
9 to San Diego to film a pornographic video (even if she did not end up filming it) could cause significant  
10 damage to the victim's life if a classmate, friend, employer, or relative found out. Consequently,  
11 Plaintiffs, and the other victims Plaintiffs' counsel have spoken with, rarely tell anyone they are coming  
12 to San Diego. (See, Holm Decl.) If anything, a victim might tell a single, trustworthy friend that will not  
13 judge the victim for the decision. (*Id.*)

14 Once in San Diego, the victim is unable to call any friends or family to assist her if trouble arises  
15 because placing that call would undoubtedly raise the question of why the victim is even in San Diego in  
16 the first place. (*Id.*) Furthermore, Defendants' victims cannot call the police if the need arises because  
17 the filing of a public police report would itself let the proverbial cat out of the bag as to why they were  
18 in San Diego. (*Id.*) Some women were simply afraid to seek help, fearing people would blame the victim  
19 or say it "serves her right for putting herself in that position." (*Id.*)

20 Defendant Andre Garcia has repeatedly used the secrecy shrouding pornography to sexually  
21 assault women after filming has stopped but before they fly home. Garcia does this by using several  
22 different ways to seclude the victims off-camera. Garcia would either linger in the hotel room after the  
23 video is completed waiting for the cameraman to finish packing up his equipment (often ordering room  
24 service and/or drinking from the mini bar)<sup>1</sup>, or he would offer rides to the victims or lure the women  
25 back to his apartment using a variety of pretextual reasons to get the victim to come inside. (Holm Decl.)

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27 <sup>1</sup> The hotel room Defendants book for the victims is also where Defendants film the videos—a fact conveniently withheld  
28 from the victims until they get to their hotel room and see a makeshift pornography studio set up inside. Consequently, the  
victims have nowhere to go when Garcia lingers in the hotel room waiting for the cameraman to finish packing up.



1 Garcia has been able to repeatedly sexually assault the victims off camera with impunity because  
2 he knows his victims cannot call the police because doing so will raise questions as to why the victim  
3 was in San Diego.<sup>2</sup> Also, Garcia has no fear of his DNA being found using a rape kit because his DNA  
4 is already present by virtue of the video being filmed earlier that day or the day before.

5 **b. Garcia Assaulted Jane Doe No. 2 After Filming**

6 Jane Doe No. 2 was sexually assaulted by Garcia after filming when Garcia offered her a ride  
7 and she accepted. He then pulled into an Ace parking lot, told Jane Doe No. 2 that he has lots of money,  
8 could take care of her, and that she should be his girlfriend—a pick-up line he consistently uses with his  
9 victims in a meager effort to secure consent to sex off camera. Jane Doe No. 2 rebuffed Garcia, but he  
10 refused to take no for an answer. The assault is detailed in a declaration filed in this case. (See, Ex. B –  
11 Declaration of Jane Doe No. 2.)

12 During deposition, Defendants tried to impeach Jane Doe No. 2’s overall credibility by pointing  
13 out that she went back to Garcia’s apartment the day after the rape to retrieve a jacket she had left there  
14 and was again forced to have sex with Garcia and go to dinner with him. Defendants argue these actions  
15 conflict with Jane Doe No. 2’s claims that Garcia had previously sexually assaulted her after filming.  
16 Thus, according to Defendants, Jane Doe No. 2 was lying about the assault in her declaration and cannot  
17 be believed for anything she says.

18 **c. Garcia has Sexually Assaulted Several Plaintiffs and Third-Party Victims**

19 Garcia has used these methods to sexually assault Jane Doe Nos. 2, 11, 14, 20, 21, and 22 off  
20 camera. He also sexually assaulted several other non-plaintiff victims who have been deposed. (See,  
21 Ex. C – Excerpts from Plaintiffs’ Depositions and Ex. D – Garcia Text Message to JD10.) Plaintiffs’  
22 counsel has spoken to other victims who are willing to testify about Garcia’s post filming assaults. (See  
23 Holm Decl.)

24 Garcia uses a fake name during recruiting, often going by “Jonathan.” He uses a Google Voice  
25 phone number for that fake persona (858 area code). When women get to San Diego, Garcia sometimes  
26 reveals to the victims his true name, and provides them with his actual cell phone number (773 area

27 <sup>2</sup> One of Garcia’s victims filed a police report in Newport Beach *after* Defendants had published her videos. (See Ex. A.) At  
28 that point, the fear of friends and family finding out about the video was gone, which had previously prevented her from  
filing the report immediately after the rape had occurred.



code). In one instance, a victim relayed to Plaintiffs' counsel that after filming stopped, Garcia went to the restroom. At that moment, she received a text message from "Jonathan" indicating that they were being kicked out of the hotel and that she should stay at Garcia's apartment that night. Based on this text message, she went back to Garcia's apartment with him, where he sexually assaulted her. (Holm Decl.)

**d. Defendants Obstructed Plaintiffs' Questioning re: Garcia's Other Sexual Assaults**

Defendants' office administrator, Valorie Moser, testified that she drove about 100 victims back to the airport after filming. During those rides, at least 50% complained to Ms. Moser that they were not paid what they were promised before flying to San Diego, and a "handful" of women complained about Garcia's off-camera behavior. (See, Ex. E – Experts from Deposition of Valorie Moser.) Multiple victims told Ms. Moser that Garcia had tricked them into going back to his apartment after filming under the guise of leaving the hotel to get food, which would result in Garcia taking them to his apartment. After hearing this story several times, Ms. Moser instituted a Postmates (a food delivery service) program that would allow the models to have food delivered to their hotels, reducing the chances that the women would need to accept a ride from Garcia in order to eat a meal. (*Id.* at 128.)

When Plaintiffs tried to probe deeper into these complaints, Defendants' counsel threatened to terminate the deposition and move for a protective order to stop the questioning on the basis that it was irrelevant.

Q Why would they say they were tricked, if you know?

MR. KAPLAN: So objection. It's -- first of all, it's not relevant. It's overbroad, it's vague, it lacks foundation.

MR. RIKOS: Join.

THE WITNESS: A model --

MR. ROWLETT: If you know, go ahead.

THE WITNESS: A model stated to me that after the shoot was finished and the videographer left the hotel room, Andre Garcia stayed behind and asked her if she was hungry and she said yes. He was like, oh, okay, I will take you and we will get something to eat in my car. And she joined him in his vehicle and he took her back to his apartment at 969 Market Street.

MR. KAPLAN: **Objection; move to strike as not relevant and beyond discovery in this case.**

MR. RIKOS: It's also nonresponsive.

BY MR. HOLM:

**Q Did she explain anything further about what occurred in the apartment?**



1 **MR. KAPLAN: Counsel, I thought that you had withdrawn from this**  
2 **case any claims other than those arising out of the distribution of the**  
3 **films. So if that's the case, why are you asking these questions?**

4 BY MR. HOLM:

5 Q You can go ahead.

6 A Can you reask?

7 Q Did the woman who said she was tricked into coming back to Andre  
8 Garcia's apartment, tell you what occurred in the apartment that she was  
9 complaining of?

10 **MR. KAPLAN: So we're either going to stop the deposition for a**  
11 **protective order because you are inquiring into an area that you've told**  
12 **the court that you are -- you are not even pursuing claims on or you can**  
13 **flag this as something to come back to, but either way we are not having**  
14 **any further discussions about this.**

15 (Ex. E - Moser Depo. At 100:19-102:7.) Defendants' counsel's obstruction and threats to cancel the  
16 deposition based on relevance grounds is obviously improper. However, the most disturbing thing  
17 about Defendants' counsel's obstruction is that Ms. Moser never even testified that the victims said they  
18 were assaulted by Garcia after he brought them back to his apartment; rather, Ms. Moser simply testified  
19 that the victims were duped into going to Garcia's apartment. After two and half years of hearing  
20 victims testify about Garcia's off camera actions, Defendants' counsel did not need to hear what  
21 happened to those victims once Garcia got them inside his apartment. Defendants' counsel knew exactly  
22 what happened inside the apartment, as he had heard the same story many times before. Defendants'  
23 counsel therefore blocked Plaintiffs from eliciting further testimony by claiming it was "not relevant and  
24 beyond discovery in this case." He then inappropriately interrupted the deposition and threatened to  
25 cancel it based on relevance grounds.

### 26 **III. LEGAL AUTHORITY**

27 "“Relevant evidence” means evidence, including evidence relevant to the credibility of a witness  
28 or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of  
consequence to the determination of the action.” Cal. Evid. Code § 210. “No evidence is admissible  
except relevant evidence.” Evid. Code § 350. “Except as otherwise provided by statute, all relevant  
evidence is admissible.” Evid. Code § 351. “The court in its discretion may exclude evidence if its  
probative value is substantially outweighed by the probability that its admission will (a) **necessitate**  
**undue consumption of time** or (b) create substantial danger of undue prejudice, of **confusing the**  
**issues**, or of misleading the jury. Evid. Code § 352 (emphasis added).



#### IV. ARGUMENT

Whether or not Jane Doe No. 2 was assaulted by Garcia in his vehicle after filming is irrelevant to the issues presented by Plaintiffs' complaint. However, even if this Court believes there may be some relevance to allowing Defendants to cross-examine Jane Doe No. 2 on the assault because it *may* (and that is a big "may") bear on her credibility, the questioning must be precluded under Evidence Code section 352 for a myriad of reasons.

First, this Court should not allow Defendants to open the door on the issue of Garcia's post-filming rapes because, once Plaintiffs' dismissed their battery claims, Defendants repeatedly blocked Plaintiffs from conducting discovery on the issue of Garcia's habitual off camera sexual assaults that would serve to bolster Jane Doe No. 2's account of Garcia sexually assaulting her. See, Evid. Code § 1101 (common plan or scheme). On multiple occasions Defendants instructed witnesses not to answer questions on the topic claiming it was no longer relevant now that battery claims have been dismissed.

Second, allowing Defendants to pursue this line of questioning under the guise that it might impeach Jane Doe No. 2's credibility opens up an enormous can of worms because this Court will be forced to allow Plaintiffs to elicit testimony from all of the other victims who were also assaulted by Garcia off camera under similar circumstances in order to bolster Jane Doe No. 2's testimony. Plaintiffs' evidence will show Garcia is a serial sexual assailant who uses the secrecy of the circumstances to assault young, vulnerable women off camera for his own personal pleasure. Garcia has used the same tactics, same cheesy lines, and same artifice to lure women to a secluded place where he can force himself on them sexually. *People v. Ewoldt* (1994) 7 Cal.4th 380 ("Unlike evidence of uncharged acts used to prove identity, common plan need not be unusual or distinctive, and it need only exist to support inference that defendant employed plan in committing charged offense.")

Third, it would be fundamentally unfair to allow Defendants question Jane Doe No. 2 on the issue of Garcia's assault when Garcia has refused to answer *every* question posed at his deposition and the majority of his discovery responses by pleading the Fifth Amendment. Consequently, while Defendants would be able to cross-examine Plaintiffs on the sexual assaults, Plaintiffs are unable to question Garcia himself regarding the assaults that would bolster's Jane Doe No. 2's account of what occurred. If this Court is not going to hear evidence from both sides, it should hear none of it.



1 Finally, while the facts regarding the post filming assaults have nothing to do with the fraud  
2 claims in this case, if this Court allows Defendants to cross-examine Jane Doe No. 2 on this topic on the  
3 specious grounds that it affects Jane Doe No. 2's overall credibility (i.e. she was lying about the rape so  
4 she was also lying about what Defendants told her to induce her to film the video), then the Court will  
5 have no choice to allow the six plaintiffs that experienced nearly identical assaults by Garcia to testify as  
6 to their experiences, as they are clearly relevant to showing Jane Doe No. 2 is telling the truth about  
7 Garcia assaulting her since they show a common plan or scheme by Garcia. Moreover, Plaintiffs will be  
8 calling numerous other victims of Garcia's post filming rapes to testify. This will create a mini rape trial  
9 within the larger fraud trial that will needlessly divert this Court's attention from actual issues and  
10 lengthen trial by several days.

11 **V. ORDER SOUGHT**

12 Based on the foregoing, Plaintiffs hereby request an order precluding *all parties* from attempting  
13 to introduce, asking questions about, or making any arguments or inferences regarding sexual assaults  
14 committed by Andre Garcia off camera. Without it, this trial will turn into two separate trials – whether  
15 Garcia sexually assaulted Jane Doe No. 2 and whether Defendants committed fraud. There is no need  
16 for the former.

17  
18 Date: June 12, 2019

By: /s/ Brian M. Holm  
Ed Chapin, Esq.  
John J. O'Brien, Esq.  
Brian H. Holm, Esq.  
**Attorneys for Plaintiffs**



1                                   **INCORPORATED DECLARATION OF BRIAN M. HOLM**

2 I, Brian M. Holm, hereby declare:

3           1.       If called as a witness, I could and would testify to the facts set forth below.

4           2.       I have spoken to well over 100 victims who told me they were defrauded by Defendants.  
5 Many of them told me their stories before this lawsuit was even filed or the allegations of the complaint  
6 were made public. All of the victims have relayed a nearly identical set of facts, alleging Defendants  
7 used the same deceptive Craigslist ads for clothed modeling, the same lies about distribution, the same  
8 paid references, and the same overall artifice to defraud them. During those interviews, about two dozen  
9 women told me Garcia sexually assaulted them (or at least tried) off camera after filming was over. The  
10 majority of the stories victims told me involved Garcia luring the victim back to his apartment based on  
11 several pretexts. On more than one occasion, a victim has told me Garcia told the victim he was in  
12 charge of taking them to the airport in the morning and therefore the victim was told to sleep at his  
13 apartment instead of the hotel because his apartment was much closer to the airport. Several other  
14 victims also told me while in the car, Garcia told the victim he needed to stop at his apartment briefly  
15 and that the victim should come up stairs rather than wait in the car. Several other victims told me  
16 Garcia lingered in their hotel room (which is where the video was filmed) after the filming ended,  
17 waiting for the cameraman to load the equipment into the car and leave before making his move. In  
18 each of these instances, once Garcia got the victim alone, he would attempt have consensual sex.  
19 Multiple victims have relayed to me the exact same lines that Garcia would use trying to woo them into  
20 having consensual sex with him off camera, including representing that the woman was the most  
21 attractive woman he has ever filmed, that the woman should quit what she was doing and move to San  
22 Diego to be his “girlfriend,” and that he could take care of her if she moved here because he is rich.  
23 According to the victims, when Garcia’s charm did not work, Garcia would force himself on the victim  
24 and ignore either their comments that they did not want to have sex with him or their demands for him to  
25 stop.

26           3.       Most, if not all, victims told me they did not call the police or report the assault because  
27 they believed that doing so would result in people finding out that she had filmed a pornographic video.  
28 Numerous victims also told me they did not leave the hotel room or Garcia’s apartment to avoid his



1 advances because they did not have anywhere else to go.

2 4. On one occasion, a victim told me that she had believed Jonathan (the person that  
3 recruited her with an 858 area code phone number) and Garcia (who provided his name and actual cell  
4 phone number with a 773 area code once the victim got to San Diego) were two separate people. The  
5 victim told me after filming stopped, Garcia went to the restroom and, while he was absent, she received  
6 a text message from “Jonathan” indicating that she was being kicked out of the hotel and that she should  
7 stay at Garcia’s apartment. Based on this text message, she believed she had no choice but to go back to  
8 Garcia’s apartment with him, where he would later sexually assault her.

9 5. Plaintiffs, and the other victims I have spoken with, would not tell anyone they were  
10 coming to San Diego to film the video. On occasion, a victim would tell a single, trustworthy friend that  
11 will not judge the victim for the decision.

12 6. Attached hereto as **Exhibit A** is a true and correct copy of a police report I received from  
13 one of Defendants’ victims. The redactions are were made by the Newport Beach Police Department.

14 7. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Jane Doe  
15 No. 2 submitted in this action in support of Plaintiffs’ *Ex Parte* Application for a Protective Order.

16 8. Attached hereto as **Exhibit C** are true and correct excerpts taken from Plaintiffs’  
17 depositions in this action.

18 9. Attached hereto as **Exhibit D** is a true and correct copy of a text message Jane Doe No.  
19 10 received from Garcia after filming.

20 10. Attached hereto as **Exhibit E** are true and correct excerpts taken from the Deposition of  
21 Valorie Moser.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
23 true and correct.

24 Date: June 12, 2019

By: /s/ Brian M. Holm  
Brian M. Holm  
**Attorneys for Plaintiffs**



# **Exhibit A**







# Incident Report Additional Name List

Newport Beach Police Department

OCA: 15010366

## Additional Name List

**\*\* Contains Restricted Names \*\***

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) [REDACTED] 3 [REDACTED]	[REDACTED]					M
Address	[REDACTED]			H: - -		
Empl/Addr	[REDACTED]			B: - -		
				Mobile #:	[REDACTED]	



# INCIDENT/INVESTIGATION REPORT

Newport Beach Police Department

Case # 15010366

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated:

## NARRATIVE

This case involves a crime where the victim is entitled by law to confidentiality.



# REPORTING OFFICER NARRATIVE

Newport Beach Police Department

OCA

15010366

Victim

Offense

Date / Time Reported

RAPE BY FORCE/FEAR/ETC

Thu 11/19/2015 14:49

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Alcohol Related: N Involved Location: N  
Reportable Use of Force: N  
Hate Crime Related: N Weapon Involved: N  
Victims' Bill of Rights Provided to Victim(s): N  
Victim Advised of Confidentiality Provisions Per 293 PC: Y  
Victim Desires Confidentiality: Y

On November 19, 2015 I was working uniform patrol for the Newport Beach Police Department when I was dispatched to [REDACTED] (located within the jurisdiction of the OCSD in the unincorporated part of Costa Mesa) in reference to a rape investigation.

I arrived at the location at approximately 1600 hrs and met with Deputy D. Lee #9200 of the Orange County Sheriff Dept. I spoke with Deputy Lee outside of the residence and he advised me that the victim in this case had called the OCSD to report she had been raped. During Deputy Lee's initial interview of the victim, he discovered the crime occurred in the City of Newport Beach. Deputy Lee stopped his interview and requested a Newport Beach officer to respond and take the report.

Deputy Lee advised he would not be completing any reports related to this incident and he left prior to my interview of the victim.

I met with the victim and interviewed her inside the residence [REDACTED]. The location is a recovery home by the name of "New Directions for Women" and the victim will be staying there until approximately 11/28/15. The phone number for the recovery home (and the only manner of reaching the victim by phone) is (949) 313-1192x114. After 11/28/15, the victim plans on moving back in with one of her parents.

I interviewed the victim in the dining area of the home. The interview was recorded and the audio file was later uploaded to the Puma server. The victim made the following statement in summary:

The victim identified the suspect as [REDACTED]. The victim did not believe that his true name is [REDACTED] and is unaware of his true name or address. The victim was able to give me a phone number she used to contact [REDACTED] (That number was later retrieved from the victim's cell phone) For purposes of this report the suspect shall be referred to as [REDACTED]. The victim described [REDACTED] as a Male with an Australian accent, approximately six feet tall and average build with some muscle. [REDACTED] had short brown hair/brown eyes and a tattoo on his left arm of an unknown type of a symbol. The victim believed [REDACTED] was approximately 26-27 years of age.

The victim first met [REDACTED] around 9/10/15 when she responded to a Craig's list ad for a modeling job. The ad was apparently placed by a company called "Begin Modeling" and the victim believed the work involved regular modeling in various types of outfits. I showed the victim the web page for beginmodeling.com and she positively identified the web page as belonging to the same company she contacted.



## REPORTING OFFICER NARRATIVE

Newport Beach Police Department

OCA

15010366

Victim

Offense

Date / Time Reported

RAPE BY FORCE/FEAR/ETC

Thu 11/19/2015 14:49

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

The victim recalled answering the ad on 9/10/15 and then receiving an email from [REDACTED] on 9/11/15 with instructions for the modeling job. The victim recalled she took an Uber car to an unknown hotel in Long Beach and quickly realized once she arrived that the actual job was to film pornographic movies. The victim met [REDACTED] who presented himself as a producer and actor. The victim agreed to film pornographic movies with [REDACTED] and ended up filming (3) separate movies between 9/10/15 and 10/1/15. All the movies were filmed with the victim's consent and she is not claiming to be the victim of any crime related to any sex acts performed during the filming of the movies.

On 10/1/15, the victim agreed to film the third movie with [REDACTED]. [REDACTED] had previously sent the victim an email with instructions on where the filming would take place (the email falsely describes another photo shoot). He sent an Uber car to pick her up (the victim was staying at her boyfriend's home in Laguna Beach) and transport the victim to the address in the email (22601 Pelican Hill Road South, Newport Coast, CA 92657). The victim arrived at the location at approximately 3:00 PM and met with [REDACTED] who then escorted the victim to a Villa in the Pelican Hill resort. The victim could not recall the specific Villa.

Once she arrived at the Villa, the victim observed a makeup artist and camera man were present along with [REDACTED]. The victim was given \$6,000 in advance of the filming and recalled smoking some marijuana and taking Xanax prior to filming the movies. The victim stated this was normal behavior for her and that her judgment and memory were not affected by the drugs that she took. The victim recalled the filming of the movie went normally and she recalled performing several consensual sex acts with [REDACTED] during the filming. The sex acts included: oral sex (performed by the victim on [REDACTED] and by [REDACTED] on the victim), missionary position, with the victim on top of [REDACTED] and with the victim bent over while [REDACTED] stood behind her. All sex acts were performed with a condom and none of the acts involved anal sex. [REDACTED] ejaculated one time during the movie shoot. The victim recalled the filmed sex acts took place in the master bedroom and the front guest bedroom of the Villa.

At approximately 1900 hrs, the filming of the movie ended and the victim took a shower. At this time, the victim believed [REDACTED] had excused the camera man. When the victim finished her shower, she observed [REDACTED] telling the makeup lady she could leave. This left the victim and [REDACTED] as the only people remaining in the villa.

The victim got dressed in a black tank top (no bra), pink thong, jeans, and black boots and asked [REDACTED] to call an Uber car to take her back to her boyfriend's home in Laguna Beach. [REDACTED] refused to order the car and told the victim he wanted to talk to her instead. At this point, the victim was outside on the patio of the Villa smoking a cigarette and realized her cell phone had died. She had no way of calling for an Uber car or her boyfriend.

[REDACTED] told the victim that she was the "best girl I've been with" and asked the victim to be his girlfriend. The victim told [REDACTED] she already had a boyfriend. [REDACTED] continued asking her to be his girlfriend and asked her to move in with him in San Diego (the victim has no idea if [REDACTED] truly lives in San Diego or not). The victim repeatedly stated, "No" and continued asking [REDACTED] to order an Uber car for her so she could leave. The victim recalled feeling uncomfortable and scared at this point because [REDACTED] continued to insist that she should move in with him and be his girlfriend. At one point, [REDACTED] offered the victim



## REPORTING OFFICER NARRATIVE

Newport Beach Police Department

OCA

15010366

Victim

Offense

Date / Time Reported

RAPE BY FORCE/FEAR/ETC

Thu 11/19/2015 14:49

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\$1,000 and promised to take her shopping if she would just visit him in San Diego some time. The victim refused all of [REDACTED]'s advances and continued asking him to order her an Uber car.

[REDACTED] became increasingly angry at being rejected and finally grabbed the victim by her arms and lifted her up as he continued asking her to be his girlfriend. The victim continued stating, "No" which caused [REDACTED] to put the victim over his shoulder as he carried her into the front bedroom of the villa. As he walked her to the bedroom, [REDACTED] stated, "I'll show you why you should leave your boyfriend." At this point, the victim began kicking and screaming for [REDACTED] to put her down.

[REDACTED] threw her on the bed, face up and still clothed. The victim continued screaming and trying to push [REDACTED] away. As [REDACTED] stood over the victim by the side of the bed, he grabbed her jeans and forced them off of the victim's body. The victim tried to resist but was not strong enough to keep [REDACTED] from removing her jeans. The victim looked down and saw that [REDACTED] had removed his pants and then had moved his underwear to the side, exposing his erect penis. Without saying another word, [REDACTED] laid on top of the victim and forced his penis inside the victim's vagina. The victim continued to scream and kick at the victim, but realized no one was around to hear and that when she screamed, [REDACTED] would cover her mouth with one hand while holding either her shoulder or neck with the other hand. The victim eventually gave up fighting and let [REDACTED] finish having sex with her. The victim recalled [REDACTED] ejaculated inside her and that he was not wearing a condom. The victim estimated that [REDACTED] had sex with her for approximately 20 minutes.

When [REDACTED] was finished, he stood up and walked away without saying a word. The victim remained on the bed crying and scared with her mind racing about what to do. The victim remained on the bed for approximately 5-10 minutes and then got up to grab her clothes. The victim put her clothes on and asked [REDACTED] to order her an Uber. He refused to order the car. The victim then asked if she could charge her cell phone and [REDACTED] told the victim she could charge her phone in his car which was parked nearby in a parking spot. The victim found the car (described only as a small white car with four doors and unknown California plates) charged her phone. Once the phone was charged, the victim texted her boyfriend "sorry phone died...almost done" and called an Uber car. The victim did not tell her boyfriend what had happened because he did not know that she made pornographic movies. The victim returned to the villa while waiting for the Uber car and recalled that [REDACTED] acted "very nice" and normal. [REDACTED] called the victim "baby" and asked why she was mad. The victim refused to talk to [REDACTED] and recalled she "just wanted to get out of there."

The Uber car arrived a short time later and took the victim to her boyfriend's home (I/O [REDACTED]). She never told him about the incident and they have since stopped dating. The victim insisted she never consented to having sex with [REDACTED] after the movie shoot, attempted to fight him off her and continually stated "No" while he forced himself inside her.

The first person the victim told about the rape was her sister [REDACTED]. The victim told [REDACTED] about the incident approximately two days after it occurred.

Since the incident occurred, [REDACTED] has attempted to call and text the victim; however, the victim has not



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returned the calls or texts. The text messages sent by [REDACTED] all indicated he was continuing to ask the victim to be his girlfriend. None of the texts contained an acknowledgement of the rape or indication that he felt he had done something wrong. [REDACTED] also came to the victim's boyfriend's home in Laguna Beach while the victim was at the home. As soon as she realized who was knocking on the door, the victim refused to open it and told [REDACTED] she would call the police if he did not leave. [REDACTED] pleaded with the victim to be his girlfriend, but left after hearing the threat of a police response. The victim did not call the police on that day.

I asked the victim for her cell phone and she stated it was currently at her mother's home. The victim explained that no cell phones were allowed at the recovery home. The victim also advised that the clothes she wore on the day of the incident were also at her mother's home and had been washed.

I asked the victim why she did not call the police either on the day of the incident or shortly thereafter. The victim advised she was scared of [REDACTED] and that fear kept her from calling the police.

I asked the victim what prompted her to call the police on this day and she stated the following:

On 10/17/15 an unknown person sent an internet link to the victim's parents. The link contained footage of one of the pornographic movies the victim filmed. Prior to this date, the victim's parents were unaware the victim was involved in pornography. The victim's parents had an intervention for the victim and convinced her to enter into a drug recovery program. At this point, the victim's parents still did not know she had been raped.

As part of the recovery program, the victim wrote a letter to her parents that described the rape. The victim read the letter to her parents during a meeting at the recovery home on 11/18/15. Also present at the meeting was the victim's friend [REDACTED] told the victim that she had also received a link from an unknown person that connected to a movie involving the victim performing sex acts. The link indicated that more movies would be released if the victim did not contact [REDACTED]. The victim has no way of contacting [REDACTED] at this time.

On 11/19/15, the victim's parents convinced the victim to call the police and report the rape.

I asked the victim if she left any items behind at the villa. She recalled that she left a pair of gold/black hoop earrings, a belly button ring (NFD) and sunglasses. I asked the victim if she believed any neighbors heard her yelling or screaming and she stated that the Villas are too far apart for anyone to have heard. The victim did not believe the incident was filmed and was positive that no one else was present.

After my interview of the victim, I spoke with her mother (both her parents were present at the recovery home) who confirmed that she possessed the victim's cell phone. The victim's mother stated she would bring the phone to the station for analysis if necessary. The victim provided me with verbal consent to search her phone. The victim advised that her phone should contain the text messages sent by [REDACTED] copies of emails he had sent and possibly the Uber information related to the ride she took from Newport Beach on the night of the incident. The victim advised she was supportive of prosecution of [REDACTED] would



# REPORTING OFFICER NARRATIVE

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assist in any way with the investigation and would testify if necessary.

The victim had no further information or names of people that could further identify [REDACTED]. I provided the victim with the contact information for the NBPd and the report number along with Victim of Sexual Crimes and VINE information. The victim stated she did not seek any medical attention for anything related to the incident and that she did not have any visible injuries at the time. The victim provided me with a paper copy of an email she received from [REDACTED] on 9/18/15 regarding one of her movie shoots. I had the document scanned into the NBPd Affinity record. The victim's mother also forwarded me an email from the victim's email account. The email contained the confirmation of the movie shoot that occurred in Newport Beach on the same day of the incident. I forwarded the email to NBPd CSI personal to be uploaded to the archive.

Based upon the lack of identifying information, I was unable to determine the exact location of the crime and I was unable to find person matching the suspect description in any local police databases.



# Incident Report Suspect List

Newport Beach Police Department

OCA: 15010366

1	Name (Last, First, Middle) * No name *						Also Known As				Home Address																												
	Business Address																																						
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.																												
Scars, Marks, Tattoos, or other distinguishing features																																							
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td>Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td>Height</td> <td>Weight</td> <td>SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td>Make</td> <td colspan="2">Model</td> <td>Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td>Style</td> <td>Color</td> <td>Lic/St</td> <td colspan="3">VIN</td> </tr> </table>													Reported Suspect Detail		Suspect Age	Race	Sex	Eth	Height	Weight	SSN	Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel		VehYr/Make/Model		Drs	Style	Color	Lic/St	VIN		
Reported Suspect Detail		Suspect Age	Race	Sex	Eth	Height	Weight	SSN																															
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel																																
VehYr/Make/Model		Drs	Style	Color	Lic/St	VIN																																	
Notes						Physical Char																																	



# **Exhibit B**



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**Attorneys for Plaintiffs**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN DIEGO**

JANE DOE NOS. 1 - 14, inclusive, individuals;

Plaintiffs,

v.

GIRLSDOPORN.COM, a business organization,  
form unknown; MICHAEL J. PRATT, an  
individual; ANDRE GARCIA, an individual;  
MATTHEW WOLFE, an individual; BLL  
MEDIA, INC., a California corporation; BLL  
MEDIA HOLDINGS, LLC, a Nevada limited  
liability company; DOMI PUBLICATIONS,  
LLC, a Nevada limited liability company; EG  
PUBLICATIONS, INC., a California  
corporation; M1M MEDIA, LLC, a California  
limited liability company; BUBBLEGUM  
FILMS, INC., a business organization, form  
unknown; OH WELL MEDIA LIMITED, a  
business organization, form unknown; MERRO  
MEDIA, INC., a California corporation; MERRO  
MEDIA HOLDINGS, LLC, a Nevada limited

CASE NO.: 37-2016-00019027-CU-FR-CTL

**DECLARATION OF JANE DOE NO. 2**



1 liability company; and ROES 1 - 550, inclusive,  
2 Defendants.  
3

4 I, Jane Doe No. 2, hereby declare as follows:

5 1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein.  
6 If called as a witness, I could and would testify to the following facts.

7 2. After responding to an advertisement that Defendants had placed on Craigslist.com for  
8 “modeling,” I corresponded with a gentleman named “Jonathan.” After some back and forth, I was  
9 advised to meet Jonathan at the Strata condominium building in downtown San Diego. I drove my car  
10 to the Strata building and parked it on the street. I was taken to an apartment inside the Strata where  
11 “Isaac” and “Jonathan” were watching the Super Bowl. I have since learned that “Isaac” was actually  
12 defendant Matthew Wolfe (“Wolfe”) and “Jonathan” was defendant Andre Garcia. Another woman  
13 named Anya was present, who claimed to be a makeup artist. After the Super Bowl, Wolfe drove  
14 Garcia, Anya and I to the Hard Rock Hotel in a Range Rover to shoot the film.

15 3. After the filming was complete, Wolfe and Anya left the hotel room, leaving Garcia and  
16 me alone. Once Wolfe was gone, Garcia began telling me how pretty I was, that I should be his  
17 girlfriend, how he had a really nice car and that he and I should hang out. I told Garcia that I needed to  
18 leave immediately because I had somewhere to be at 11:00pm and it was already passed 11:00pm.  
19 Garcia offered to drive me to my vehicle, which was still parked on the street by Garcia’s apartment in  
20 the Strata building—about eight to ten blocks from the Hard Rock Hotel.

21 4. Garcia was driving the Range Rover, and I was in the front passenger seat providing  
22 directions to my car. I clearly pointed out my car to Garcia, but he drove passed it and pulled into an  
23 Ace Parking next to Strata and parked the car. I asked Garcia what he was doing because he had just  
24 driven by my vehicle. In response, Garcia again began telling me things like “you are so pretty,” that I  
25 should be his girlfriend and how he would take me shopping and buy me things if I were. He began  
26 making sexual advances toward me and leaned over the center console of the vehicle. I tried to get out  
27 of the passenger door but it was locked. I was unable to unlock the door because Garcia began to play  
28 with the electronic locks to prevent me from getting out of the vehicle. I told him several times that I  
wanted to leave and that I was late.




1           5.       Garcia continued with his sexual advances as he played with the locks. He then climbed  
2 over the center console and he tried to mount me. As he was doing so, I slid underneath him into the  
3 backseat hoping to escape the vehicle through the back doors. However, those doors were locked too  
4 and I was unable to quickly figure out how to open them. Garcia followed me into the back seat and  
5 prevented me from opening the back door. Garcia is a larger male and was easily able to overpower  
6 my attempts to get away. Garcia forcibly removed my clothes. I told him to stop but he did not. Garcia  
7 then had intercourse with me in the back seat of the Range Rover without my consent. I told him to  
8 stop several times but he would not.

9           6.       During my deposition, I was in the elevator lobby when Garcia exited the elevator and  
10 began walking toward me. As he walked toward me, Garcia looked me up and down as if to check me  
11 out and then turned into the bathroom. This interaction caused me to suffer serious anxiety and fear,  
12 and caused me re-live the sexual assault in the back of the Range Rover in my mind.

13           I declare under penalty of perjury under the laws of the State of California that the foregoing is  
14 true and correct.

15 Date: May 16, 2017

16 By:  No. 2  
17 Jane Doe No. 2



# **Exhibit C**



**CONFIDENTIAL**

In the matter of:

DOE, et al. vs. GIRLSDOPORN.COM, et al.

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37-2016-00019027-CU-FR-CTL

---

[REDACTED]

04/23/2018

Reported by: Lorelee Vespa

Kramm Job No. 82740



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CONFIDENTIAL

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO - CENTRAL DIVISION

JANE DOE NOS. 1-15,  
inclusive, individuals;  
  
Plaintiffs,  
v.  
  
GIRLSDOPORN.COM, a  
business organization,  
form unknown; MICHAEL  
J. PRATT, an individual;  
ANDRE GARCIA, an  
individual; MATTHEW  
WOLFE, an individual;  
BLL MEDIA, INC., a  
California corporation;  
BLL MEDIA HOLDINGS,  
LLC, a Nevada limited  
liability company; DOMI  
PUBLICATIONS, LLC, a  
Nevada limited liability  
company; EG PUBLICATIONS,  
INC., a California  
corporation; MLM MEDIA,  
LLC, a California  
limited liability  
company; BUBBLEGUM  
FILMS, INC., a business  
organization, form  
unknown; OH WELL MEDIA  
LIMITED, a business  
organization, form  
unknown; MERRO MEDIA,  
INC., a California  
corporation; MERRO  
MEDIA HOLDINGS, LLC, a  
Nevada limited  
liability company; and  
ROES 1 - 500, inclusive,  
  
Defendants

DEPOSITION OF

( CONFIDENTIAL )



1                   The videotaped deposition of  
2 VANESSA CARELLO, in the above-styled suit, was  
3 taken pursuant to notice for discovery and/or  
4 evidentiary purposes, before Lorelee Vespa, CSR(A),  
5 RPR, CRR at the offices of Amicus Reporting Group,  
6 Calgary, Alberta, Canada on the 23rd day of April,  
7 2018.  
8 -----  
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25



1           A.    I just like went to the washroom, got  
2           into the shower, and then I was told I would get to  
3           stay at the hotel, but they didn't let me stay.

4                        I had to go to Andre's apartment  
5           and sleep there because it was closer to the  
6           airport, he said.

7           Q.    When did they pay you?

8           A.    When?

9           Q.    Mm-hmm.

10          A.    They paid me after.

11          Q.    After the shoot in the hotel or after at  
12          Andre's? When exactly did they pay you?

13          A.    They had to stop at a bank or something,  
14          they said, and got the money.

15          Q.    That was after both shoots?

16          A.    Yeah.

17          Q.    Was that after you left the hotel and  
18          before you went to Andre's? Do you remember when  
19          they stopped and paid you?

20          A.    It was after the hotel and then they  
21          gave it to me, like, in the car, I think or  
22          something, and then went to Andre's.

23          Q.    Did you ever try returning the money to  
24          them?

25          A.    No, I kept the money.



1 Q. Did you spend the money?

2 A. There? Or afterward?

3 Q. Afterwards.

4 A. I did end up spending it.

5 Q. Okay. You went to Andre's apartment.

6 What happened at Andre's apartment?

7 A. It was really late, so the only area he  
8 had to sleep was in his bed with him.

9 Q. Were you forced to sleep with him?

10 A. I just went. At that point, I was  
11 scared and wanted to just go to sleep and get home  
12 the next day.

13 Q. But my question was, were you forced to  
14 sleep in Andre's bed with him?

15 A. I guess not. I don't know.

16 Q. I don't want you to guess. I mean, it's  
17 an important question. There are a lot of  
18 extremely -- extreme allegations are in play, so  
19 this is not a small one. Whether or not you were  
20 forced to sleep with him during the video shoot or  
21 afterwards is pretty important, so I don't want you  
22 to guess. Do you remember anything he said or did  
23 that forced you to sleep with him?

24 A. I just didn't know what was going to  
25 happen if I didn't, so I just agreed.



1           Q.     But did he say or do anything that led  
2     you to believe that you would -- that you had to  
3     sleep with him?

4           MR. HOLM:               Vague as to time.

5           Q.     MR. SADOCK:       At his apartment?

6           A.     Not that I remember.

7           Q.     Did he say or do anything that would  
8     lead you to believe that you were not free to  
9     leave?

10          A.     Not really.

11          Q.     Did you have sexual intercourse with him  
12     at his apartment after the second video shoot?

13          A.     We did.

14          Q.     Did you have intercourse out of your own  
15     free will?

16          MR. HOLM:               Calls for legal  
17     conclusion. You can answer.

18          A.     I wouldn't say it like I wanted to. I  
19     just like -- I wouldn't know what would happen to  
20     me if I didn't.

21          Q.     Did you communicate in any way level  
22     that you did not want to sleep with him at his  
23     apartment?

24          A.     I did say I just wanted to go to sleep;  
25     I didn't want to.



1 Q. But did you communicate to him?

2 A. I said that, yeah.

3 Q. You said you didn't want to go to sleep?

4 A. I wanted to go sleep, I didn't want  
5 to --

6 MR. HOLM: Misstates testimony.

7 Q. MR. SADOCK: So I heard you say,  
8 "I want to go to sleep," so I don't want to  
9 misstate your testimony.

10 What did you exactly communicate to  
11 Andre that you did not want to sleep with him at  
12 the time you were at his apartment after these two  
13 shoots?

14 A. I said to him at his apartment, I didn't  
15 want to have sex, I just wanted to go to sleep.

16 Q. And what was his response?

17 A. That he wanted to show me that he's  
18 actually not rough like that and that he can treat  
19 a girl right or something. I don't know.

20 Q. What happened next?

21 A. Then we had sex.

22 Q. Then what happened after that?

23 A. Just went to sleep, and in the morning  
24 he drove me.

25 Q. He drove you where?



1           A.     I probably would have --

2           MR. RIKOS:                   Is that a proper  
3 objection, Mr. Holm?

4           MR. HOLM:                   Huh?

5           MR. RIKOS:                   Is that a proper  
6 objection, Mr. Holm.

7           MR. HOLM:                   I believe it is  
8 knowing that these interrogatories require attorney  
9 and clients to put information in them, George.  
10 So --

11           MR. RIKOS:                   Please state your  
12 objection, and stop coaching the witness.

13           MR. HOLM:                   Okay.

14           Q.     MR. SADOCK:           Do you know what  
15 that code means?

16           A.     Not exactly.

17           Q.     At the time you provided this response,  
18 did you believe that any of the defendants battered  
19 you?

20           MR. HOLM:                   Again, calls for a  
21 legal conclusion.

22           Q.     MR. SADOCK:           From your  
23 understanding?

24           A.     I don't know.

25           Q.     Do you believe any of the defendants



1 raped you?

2 MR. HOLM: Again, calls for a  
3 legal conclusion.

4 A. Depends.

5 Q. MR. SADOCK: Depends on what?

6 A. Like, if they committed fraud, then it  
7 could be considered rape, I guess.

8 Q. But do you believe that any of the  
9 defendants raped you?

10 MR. HOLM: Relevance; calls for  
11 legal conclusion; asked and answered. I think she  
12 just said it.

13 A. Sort of.

14 Q. MR. SADOCK: Rape is a pretty  
15 heavy allegation against anyone, so I'm looking  
16 for --

17 MR. HOLM: Move to strike.  
18 Just start a question.

19 MR. SADOCK: I'm looking  
20 for something more than sort of. Do you believe  
21 that any of the defendants raped you?

22 MR. HOLM: Asked and answered.  
23 If you ask one more time, we'll walk out.

24 A. I believe Andre did.

25 Q. MR. SADOCK: Thank you. When did



1 Andre rape you?

2 MR. HOLM: Again, outside the  
3 scope of discovery; calls for a legal conclusion.  
4 You can answer.

5 A. That night when I had to sleep at his  
6 house.

7 Q. MR. SADOCK: Did you report the  
8 rape to any authorities?

9 A. No.

10 Q. Why not?

11 A. I didn't want to.

12 Q. Why not?

13 A. I don't know. I just wanted to forget  
14 about the whole situation.

15 MR. RIKOS: Just so I'm clear, I  
16 don't want to interrupt, but the assault  
17 allegations occurred after the filming at some  
18 later date? That evening?

19 MR. HOLM: What she's talking  
20 about now, yes, that's what she's speaking of.

21 MR. RIKOS: Okay. I wasn't  
22 asking you, Mr. Holm, but thank you again for  
23 testifying.

24 MR. HOLM: Are you going to do  
25 follow-up questions and go back and forth? Like,



## REPORTER'S CERTIFICATE

I, Lorelee Vespa, CSR(A) RPR CRR, Official Court Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

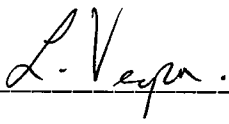
That a review of the transcript by the deponent was requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare that the foregoing is true and correct.

Dated this 30th day of April, 2018.

  
\_\_\_\_\_  
Lorelee Vespa, CSR(A) RPR CRR



1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF SAN DIEGO - CENTRAL DIVISION

3 LEAD CASE:

4 CASE NO.: 37-2016-00019027-CU-FR-CTL

5 CONSOLIDATED WITH:

6 CASE NO.: 37-2017-00043712-CU-FR-CTL

7 CASE NO.: 37-2017-00033321-CU-FR-CTL

8 JANE DOE NOS. 1-14, inclusive,  
9 individuals,

10 Plaintiffs,

11 vs.

12 GIRLSDOPORN.COM, a business  
13 organization, form unknown;  
14 MICHAEL J. PRATT, an individual;  
15 ANDRE GARCIA, an individual;  
16 MATTHEW WOLFE, an individual,  
17 BLL MEDIA, INC., a California  
18 corporation; BLL MEDIA HOLDINGS,  
19 LLC, a Nevada limited liability  
20 company; DOMI PUBLICATIONS, LLC,  
21 a Nevada limited liability  
22 company; EG PUBLICATIONS, INC.,  
a California corporation; MIM  
MEDIA, LLC, a California limited  
liability company; BUBBLEGUM  
FILMS, INC., a business  
organization, form unknown; OH  
WELL MEDIA LIMITED, a business  
organization, form unknown;  
MERRO MEDIA, INC., a California  
corporation; MERRO MEDIA  
HOLDINGS, LLC, a Nevada limited  
liability company; and ROES  
1-500, inclusive,  
Defendants.

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VIDEOTAPED DEPOSITION OF  
[REDACTED]  
Taken on behalf of the Defendants'  
Second Amended Notice of Deposition

DATE TAKEN: Monday, April 15, 2019

TIME: 9:34 a.m. to 4:55 p.m.

LOCATION: Hedquist & Associates  
345 East Forsyth Street  
Jacksonville, Florida 32202

Examination of the witness taken before:

Terrie L. Cook, RPR, CRR, FPR, and a Notary Public

- - -



1 Q Okay. So you were in the shower by yourself  
2 and someone joined you?

3 A Yes.

4 Q Okay. And who was that?

5 A Without my consent, by the way.

6 THE REPORTER: I'm sorry?

7 A Without my consent, by the way. Josh.

8 Q Okay. And you say without your consent. Did  
9 you tell them to get out of the shower when you got  
10 in?

11 A Not verbally, no.

12 Q Okay. Did you push them out of the shower?

13 A No.

14 Q Did you gesture to him, like, hey, this is my  
15 space, let me get ready?

16 A No.

17 Q Okay. Did --

18 MR. O'BRIEN: Vague.

19 Q Was he aware of you not wanting him to be in  
20 the shower with you?

21 A I didn't invite him in the shower with me, but  
22 I can't say anything.

23 MR. O'BRIEN: Calls for speculation.

24 Q Okay. Do you know why he joined you?

25 MR. O'BRIEN: Same objection.



1           A     No.

2           Q     Okay.  And after the intercourse was over, the  
3 sex acts was over, what happened after that?

4           A     I showered again.

5           Q     Okay.  Was it just you by yourself?

6           A     No.

7           Q     It was other people --

8           A     Uh-huh.

9           Q     -- with you?

10          A     Yes.

11          Q     And who were those people?

12          A     The same two men.

13          Q     So they joined you in the shower?

14          A     Yes.

15          Q     Okay.  And did you invite them into the shower?

16          A     No.

17          Q     Okay.  And did you guys talk about the shoot  
18 after in the shower?

19          A     No.

20          Q     Okay.

21          A     Not that I can recall.

22          Q     Okay.  And then once the shower was over, you  
23 got out of the shower, did you do anything else?  Did  
24 you hang out with them any more than that?

25          A     No.  We were in a rush because it took -- the



1           A     Yes.

2           Q     Okay. To your e-mail address. It says,  
3 Immediate action required. And he said, Okay. These  
4 should be no issue at all. Please contact my attorney  
5 and talk to him. He'll get everything sorted to you.

6                     Did you contact this number?

7           A     No, against legal advice.

8           Q     Okay. Did your attorney contact that number  
9 immediately, do you know?

10          A     Not to my knowledge.

11          Q     Was it a different attorney than the one who  
12 represents you in this case now?

13          A     Yes.

14          Q     And what was the name of that person?

15          A     Benjamin Androsi.

16          Q     Okay. Do you know if he was -- if he ever made  
17 contact with Mr. Sadock?

18          A     Not to my knowledge.

19          Q     Okay. If you -- go to Jane Doe Number 12,  
20 underscore 12 -- I mean, on Page 12 in the middle. It  
21 says -- there's an e-mail at the bottom here, sent on  
22 Tuesday, October 17, 2017, at 2:49 p.m., to Mike. Looks  
23 like you sent that e-mail, correct?

24          A     Yes.

25          Q     Okay. And you said in that e-mail, Not to



1 mention the male model you hired decided to come to my  
2 hotel post shoot and thinks he can call me his sex  
3 slave.

4 What are you referring to with that because I  
5 don't think we've talked about that?

6 A We have not.

7 Q Okay. What happened?

8 A Specifically or the whole --

9 Q Well, I just remember you testified, and you  
10 can correct me --

11 A Uh-huh.

12 Q -- that you stayed by yourself -- or, I'm  
13 sorry, you stayed by yourself your first night, right?  
14 Then you checked out and you went to a separate hotel --

15 A Yes.

16 Q -- for the shoot?

17 A Uh-huh.

18 Q And after the shoot was over, you showered with  
19 Josh and Andre?

20 A Yes.

21 Q And then you -- Andre drove you to the airport?

22 A Andre came back to pick me up to --

23 Q Oh, he came back.

24 A -- take me to the airport.

25 Q Okay. When did he call you a sex slave?



1           A     He came into the hotel before we went to the  
2     airport.

3           Q     Okay. Did he just call you a sex slave or what  
4     was the context? Was he trying to initiate?

5           A     Yes.

6           Q     Okay. Did you have sexual intercourse with  
7     him?

8           A     Yes.

9           Q     All right. Are you -- did you consent to that  
10    sexual intercourse?

11          A     Not verbally, no.

12               MR. O'BRIEN: Legal conclusion.

13          Q     Okay. Not verbally?

14          A     (Shakes head.)

15          Q     Did you tell him, I don't want to have sex with  
16    you?

17          A     No.

18          Q     Did you tell him to stop?

19          A     No.

20          Q     Okay. During -- going back to the shoot, did  
21    you ever -- did you have -- give consent to have sex  
22    during the shoot with Andre and Josh?

23          A     What do you mean by --

24          Q     Just did you withdraw your consent at any point  
25    during this shoot to have sex?



1 exciting?

2 A Again, I was doing how they instructed me to  
3 act.

4 Q Okay. So you saying that that was exciting was  
5 you trying to fulfill a sort of personality for the  
6 film?

7 A Yes.

8 Q Okay. Were you excited?

9 A No.

10 (Video played)

11 (Video stopped)

12 Q Did anyone tell you to say that?

13 A No.

14 MR. O'BRIEN: Is your answer the same as we  
15 previously discussed with the interview that --

16 THE WITNESS: Yes.

17 MR. O'BRIEN: -- clothing on the bed?

18 MS. McKNIGHT: Even if -- even if it were, I  
19 still have the right to go through this --

20 MR. O'BRIEN: I --

21 MS. McKNIGHT: -- for the record. And it was  
22 done like this before in all the other depositions.

23 MR. O'BRIEN: I don't know if that's true. I  
24 just think it's harassing.

25 MS. McKNIGHT: Okay.



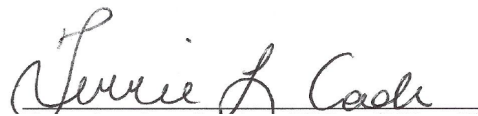
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CERTIFICATE OF OATH

STATE OF FLORIDA)  
COUNTY OF DUVAL )

I, Terrie L. Cook, RPR, CRR, FPR, Notary  
Public, State of Florida, certify that STEPHANIE REDMOND  
personally appeared before me on April 15, 2019, and was  
duly sworn.

WITNESS my hand and official seal on  
April 29, 2019, Jacksonville, Duval County, Florida.

A handwritten signature in cursive script, reading "Terrie L. Cook", is written over a horizontal line.

Terrie L. Cook, RPR, CRR, FPR  
Notary Public-State of Florida



REPORTER'S CERTIFICATE

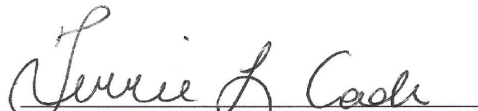
STATE OF FLORIDA

COUNTY OF DUVAL

I, Terrie L. Cook, RPR, CRR, FPR, certify that I was authorized to and did stenographically report the deposition [REDACTED] that a review of the transcript was requested; and that the foregoing transcript, pages 1 through 258 is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.



DATED on April 29, 2019.

A handwritten signature in cursive script, reading "Terrie L. Cook", is written over a horizontal line.

Terrie L. Cook, RPR, CRR, FPR



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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO - CENTRAL DIVISION  
JANE DOE NOS. 1-14, )  
inclusive, )  
individuals;, ) LEAD CASE:  
Plaintiffs, ) Case No.  
vs. ) 37-2016-  
GIRLSDOPORN.COM, a ) 00019027-CU-FR  
business organization, ) -CTL  
form unknown; MICHAEL )  
J. PRATT, an ) CONSOLIDATED  
individual; ANDRE ) WITH:  
GARCIA, an individual; ) Case No.  
MATTHEW WOLFE, an ) 37-2017-  
individual; BLL MEDIA, ) 00043712-CU-FR  
INC., a California ) -CTL  
corporation; BILL MEDIA )  
HOLDINGS, LLC, a Nevada ) Case No.  
limited liability ) 37-2017-  
company; DOMI ) 00033321-CU-FR  
PUBLICATIONS, LLC, a ) -CTL  
Nevada limited )  
liability company; EG )  
PUBLICATIONS, INC., a )  
California corporation; ) DEPOSITION OF  
MIM MEDIA, LLC, a )   
California limited )   
liability company; )  
BUBBLEGUM FILMS, INC., )  
a business organization, )  
form unknown; OH WELL )  
MEDIA LIMITED, a business )  
organization, form )  
unknown; MERRO MEDIA, )  
INC., a California )  
corporation; MERRO )  
MEDIA HOLDINGS, LLC, a )  
Nevada limited )  
liability company; and )  
ROES 1-500, inclusive, )  
Defendants. )  
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New York, New York  
Saturday, May 4, 2019



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May 4, 2019

9:55 a.m.

Videotaped deposition of [REDACTED]  
[REDACTED] held at the offices of  
Veritext Legal Solutions, 1250  
Broadway, Suite 2400, New York,  
New York, before Cathi Irish, a  
Registered Professional Reporter,  
Certified Realtime Reporter, and  
Notary Public of the State of  
New York.



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[REDACTED]

Q. Do you remember the name of the hotel?

A. I don't remember the name of it but I remember it was kind of removed and it was on the water. 12:08PM

Q. Do you remember what part of San Diego it was in?

A. I'm not familiar enough with the area. 12:08PM

Q. So when you got to the hotel, were you dropped off there?

A. No.

Q. What happened?

A. He came with me to the check-in and he checked me in under his name and he walked me up to my room and invited himself in. After that, he said he needed to take more pictures for his boss. 12:09PM

MR. HOLM: Do you have another question or are you just going to do a narrative? 12:09PM

BY MR. KAPLAN:

Q. If you're finished, I can ask the next question. I thought you were just 12:09PM



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[REDACTED]

pausing to compose yourself.

Do you want me to ask another question or do you still have more to say in response to my previous question? 12:10PM

A. I still have more to say.

Q. Okay.

A. He asked me to undress, first down to my underwear and then completely naked. I was scared and vulnerable. He was bigger than me. I didn't feel safe. And he forced me to have sex with him that night. I didn't want to. 12:10PM

Q. How long was this person in your room before they forced you to have sex? 12:11PM

A. Maybe -- maybe there was 10 to 15 minutes of taking pictures. He wouldn't leave.

Q. Did you ask him to leave?

A. I believe I hinted strongly that I was tired. He didn't care. 12:11PM

Q. Okay. And then after that took place, after he forced you to have sex, did he leave the room?

A. He left. 12:11PM



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[REDACTED]

Q. And were you then left in the room alone?

A. Yes.

Q. What did you do then? 12:12PM

A. I was shaking, picked up my underwear off the ground, put it back on, I was instructed to not leave the hotel, and I just laid there and cried.

Q. So you were instructed by who, by Jonathan? 12:12PM

A. Yeah.

Q. Did you call anyone?

A. I don't -- I don't remember. There was a lot about that night that I blocked out. 12:12PM

Q. You didn't call the police; correct?

A. No.

Q. Did you call the front desk to ask for security? 12:12PM

A. No.

Q. Did you call a rape crisis center?

A. Huh-uh. 12:12PM



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[REDACTED]

Q. Call a friend?

A. (Witness nodded.)

Q. No?

A. Nobody knew where I was or what I was doing. 12:12PM

Q. Did you call -- you didn't call any of your family members?

A. (Witness nodded.)

Q. Did you send a text to Jonathan about it? 12:13PM

A. No.

Q. You didn't see a doctor that night? You didn't go to a hospital; correct? 12:13PM

A. No.

Q. Didn't go to an emergency room?

A. (Witness nodded.)

Q. And you did stay in the hotel that night? 12:13PM

A. Where else was I supposed to go?

Q. Did you stay in the hotel that night?

A. Yes.

Q. You didn't attempt to go anywhere 12:13PM



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[REDACTED]

Thanksgiving?

A. Thanksgiving, yes.

Q. And you have since the video was released?

03:40PM

A. Yes.

Q. Were there any family functions to which you were not invited as a result of the video being released?

A. If I wasn't invited, how would I know?

03:40PM

Q. But did you become aware of any family functions that you weren't invited to?

A. No.

03:40PM

Q. In this e-mail exchange, you do, I believe, accuse the actor you did the video with of raping you the night before; correct?

A. Yes.

03:41PM

Q. And so I am clear, when you say he raped you, are you saying he physically forced you to have sexual intercourse with him?

A. What do you mean by physically

03:41PM



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[REDACTED]

forced?

Q. Did he insert his penis into your  
vagina against your will?

A. I did protest saying I did not 03:41PM  
want to and he intentionally put me in a  
vulnerable position and encroached on my  
personal space. He invited himself into  
my room so I don't know. I was -- I felt  
I didn't have an escape. 03:42PM

Q. In what manner did you  
communicate to him lack of consent to  
engage in sex specifically?

A. Do I remember exactly what I had  
said? 03:42PM

Q. Either exactly or generally.

A. You realize this is a trauma;  
right? Traumas are easily suppressed. I  
don't recall the details from that night.

Q. I'm not here to answer your 03:42PM  
questions. I'm sure you have a lot to say  
and that's fine.

A. This is a sensitive topic. I  
don't remember exactly what I said.

Q. Do you have a general 03:42PM



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[REDACTED]

recollection of what you said?

A. I don't want to do this, please stop.

Q. That's what you said? 03:43PM

A. I'm not comfortable.

Q. Okay.

Anything else that you said to him?

A. Not that I remember. 03:43PM

Q. Why was it that you had sex with him on camera the next day after he raped you?

A. Like I said, I felt like I was trapped. I didn't have a choice, no one knew where I was. I couldn't ask anyone for help. I was 20 years old. 03:43PM

Q. You had your telephone; correct?

A. I had a phone.

Q. There was a hotel phone? 03:43PM

A. Yes, there was a hotel phone.

Q. There were people downstairs in the hotel lobby?

A. There were.

Q. You were alone in the room after 03:43PM



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[REDACTED]

other defendants in your room for eight hours?

A. It was just me.

Q. Okay. Do you know how to summon emergency help in San Diego? 03:44PM

A. I know how.

Q. How would you have done that?

A. You could call the police, you can file a report, you can call a rape crisis center. 03:44PM

Q. But you --

A. At that point I blame myself for getting in the position. Now I don't.

(Exhibit 22, declaration, marked for identification.) 03:44PM

BY MR. KAPLAN:

Q. I'm handing you what's been marked as Exhibit 22.

A. (Witness perusing document.) 03:45PM

Q. Do you recognize Exhibit 22?

MR. HOLM: She's still reading it.

MR. KAPLAN: Oh, sorry.

THE WITNESS: Yes, I recognize 03:46PM



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[REDACTED]

C E R T I F I C A T E

STATE OF NEW YORK )

: ss.


COUNTY OF NASSAU )

I, CATHI IRISH, a Registered  
Professional Reporter, Certified Realtime  
Reporter, and Notary Public within and for  
the State of New York, do hereby certify:

That [REDACTED] [REDACTED] the witness  
whose deposition is hereinbefore set  
forth, was duly sworn by me and that such  
deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 5th day of May, 2019.



CATHI IRISH, RPR, CRR, CLVS, CCR



[REDACTED]

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO - CENTRAL DIVISION

**Certified Original**

JANE DOE NOS. 1-14, inclusive,	)	
individuals;	)	
	)	
Plaintiffs,	)	CASE NO.
	)	
vs.	)	37-2016-00019027
	)	-CU-FR-CTL
GIRLSDOPORN.COM a business	)	
organization, form unknown,	)	
et al.,	)	
	)	
Defendants.	)	

Videotaped Deposition of [REDACTED]

taken on behalf of the Defendants, pursuant to  
Notice and agreement of counsel, before Judith L.  
Leitz Moran, Certified Court Reporter, at U.S.  
Legal Support, Peachtree Palisades, 1819 Peachtree  
Road, NE, Suite 220, Atlanta, Georgia, on the 22nd  
day of January 2019, commencing at the hour of  
10:20 a.m.



1 anything or do anything.

2 Q Okay. What did you do after this video  
3 was concluded?

4 A I think it was somewhere around 8:00 in  
5 the morning and I was so tired I just wanted to go  
6 to sleep.

7 Q Do you know when you flew back home?

8 A I think I asked them maybe to like give  
9 me a couple extra days and book my flight a couple  
10 of extra days out.

11 Q Uh-huh.

12 A I don't -- I think it was this time. And  
13 so after the shoot, I was told that we had some  
14 extra stuff to do or something by Dre. And I rode  
15 in his car with him. We smoked a little bit more.  
16 And he took me to this apartment that was like very  
17 uncomfortable, the apartment in itself, and he  
18 said, "Oh, come smoke with me in my room."

19 Q Uh-huh.

20 A So I went in the room and he -- we were  
21 like smoking a little bit and at this point he  
22 tried to like convince me to have sex with him  
23 again. And I did not want to do that. I just  
24 filmed till 8:00 in the morning. I was sore, I was  
25 tired, I did not want to. And I told him, no, no,



1 no. And he forced me to have sex with him. He  
2 didn't wear a condom. I think he came inside me.

3 And then after that, he like pretty much  
4 sent me out of the room and like put me in this  
5 other room to just sit there while he slept. And  
6 I'm still like upset at this point that I can't  
7 even sleep. So I'm just sitting there in this  
8 empty room with nothing but a bed looking out the  
9 window thinking that I'm not allowed to leave.

10 So I finally after hours get up enough  
11 courage to knock on the door and, like, do we have  
12 something extra? Like, I thought we had more work  
13 to do that's why I was waiting around.

14 And after he -- he was like angry, like  
15 he was sleeping, he didn't want to be bothered. So  
16 then I got worried and I just left.

17 Q When you say "forced," did he force you  
18 to have sexual relations with him against your  
19 will?

20 A Yes.

21 Q Did you report that to any authorities at  
22 any time?

23 A No.

24 Q Why not?

25 A Because I was embarrassed. Why does --



1 Q Did anything --

2 A Why do all of these people not say  
3 anything?

4 Q Did anything like that occur prior to  
5 July 7th, 2015?

6 A No.

7 Q Were you still willing to do a  
8 pornographic shoot with him after that incident?

9 A No.

10 Q Why did you hang around asking him what's  
11 next?

12 A Well, I thought I was obligated to do  
13 like a toy scene. That's what he made it seem  
14 like.

15 Q Do you remember doing a toy scene?

16 A No, I didn't do one after. I left and I  
17 stayed somewhere else until my flight was ready.

18 Q Did you tell anyone else about that  
19 experience?

20 A Not really. I don't think so. I kept it  
21 to myself.

22 Q Did you ever tell the male actor that you  
23 had a child?

24 A Yes.

25 Q Did you ever tell the male actor that --



C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF HALL:

I hereby certify that the  
foregoing transcript was taken down, as  
stated in the caption, and the questions  
and answers thereto were reduced to  
typewriting under my direction; that the  
foregoing Pages 1 through 318 represent a  
true and correct transcript of the  
evidence given upon said hearing, and I  
further certify that I am not of kin or  
counsel to the parties in the case; am not  
in the regular employ of counsel for any  
of said parties; nor am I in anywise  
interested in the result of said case.  
The witness did reserve the right  
to read and sign the transcript.

This, the 1st day of February 2019.

Judith L. Leitz Moran, CCR-B-2312  
Certified Court Reporter



# **Exhibit D**



< Messages +1 (858) 598-3205

Details

Sounds good :)

Pulling into valet as well and he's jumping out to check in and then we will valet your car. Literally 3 blocks away

It's all good

Sun, Jul 12, 11:35 PM

I sooo wanna fuck you off cam. I would be slow and gentle

I'm sure it would be a thousand times better than what just happened lol you are so big it's ridiculous.

I'm pretty upset I didn't get paid what you told me

Mon, Jul 13, 11:39 AM

Are you sore ?

Mon, Jul 13, 1:00 PM

I might have a gig with a girl if you want it.



Text Message

Send

JD10-000005



# **Exhibit E**



[illegible]

VIDEOTAPED DEPOSITION OF VALORIE MOSER - VOLUME I  
San Diego, California  
Saturday, December 15, 2018

Reported by: ANELA SHERADIN, CSR NO. 9128

JOB NO. 3151511  
PAGES 1 - 189



1 transported around 100 models.

2 A Yes.

3 Q Is it fair to say about 50 of them complained  
4 to you about not being paid the amount that they were  
5 promised prior to flying to San Diego?

6 MR. KAPLAN: Objection; vague.

7 MR. RIKOS: It also lacks foundation, it's  
8 argumentative.

9 MR. ROWLETT: Go ahead.

10 THE WITNESS: It felt like every other model  
11 was complaining about their pay.

12 MR. KAPLAN: Objection; move to strike as  
13 nonresponsive.

14 BY MR. HOLM:

15 Q Aside from the women indicating that they  
16 weren't paid what they were promised prior to flying to  
17 San Diego, were there other complaints that you can  
18 recall post shoot that the women told you when you  
19 transported them?

20 MR. KAPLAN: Objection. It's argumentative and  
21 misleading as to promised, it misstates the witness'  
22 testimony, it's overbroad, it lacks foundation.

23 MR. RIKOS: It's also leading.

24 MR. KAPLAN: Join.

25 MR. ROWLETT: Go ahead.



1 THE WITNESS: Yes.

2 BY MR. HOLM:

3 Q What other types of complaints did you hear  
4 from models after the filming process had taken place?

5 MR. RIKOS: Same objections.

6 THE WITNESS: Do you want me to answer that?

7 MR. ROWLETT: Can I get the question back,  
8 please?

9 THE REPORTER: "Question: What other types of  
10 complaints did you hear from models after the  
11 filming process had taken place?"

12 MR. ROWLETT: It's a valid question. Go ahead.

13 MR. RIKOS: Same objection.

14 MR. KAPLAN: Objection; leading, vague as to  
15 time, overbroad, it lacks foundation.

16 THE WITNESS: A handful of models told me  
17 before returning to the airport via text, saved in my  
18 phone, that Andre Garcia made them very uncomfortable.

19 BY MR. HOLM:

20 Q Was it during the shoot that these complaints  
21 were or after the shoot?

22 A Both.

23 Q Let me strike that. That was a -- I gotcha.  
24 Let me strike that question.

25 When the women told you that Andre Garcia made



1       them very uncomfortable, were they referring to the  
2       filming process itself or some other time?

3               MR. KAPLAN:  Objection.  It lacks foundation.

4               MR. RIKOS:  It calls for speculation.

5               MR. ROWLETT:  Go ahead.

6               THE WITNESS:  They complained of -- excuse me.  
7       Models complained of Andre Garcia's behavior both during  
8       the filming process and after the filming was completed.

9       BY MR. HOLM:

10              Q     What sort of complaints did you receive from  
11     models regarding Andre Garcia's conduct after the  
12     filming process?

13              MR. RIKOS:  It lacks foundation, it calls for  
14     speculation, vague and ambiguous.

15              THE WITNESS:  Models advised me that he would  
16     trick them into going back to his place with the promise  
17     of dinner.

18     BY MR. HOLM:

19              Q     Why would they say they were tricked, if you  
20     know?

21              MR. KAPLAN:  So objection.  It's -- first of  
22     all, it's not relevant.  It's overbroad, it's vague, it  
23     lacks foundation.

24              MR. RIKOS:  Join.

25              THE WITNESS:  A model --



1 MR. ROWLETT: If you know, go ahead.

2 THE WITNESS: A model stated to me that after  
3 the shoot was finished and the videographer left the  
4 hotel room, Andre Garcia stayed behind and asked her if  
5 she was hungry and she said yes.

6 He was like, oh, okay, I will take you and we  
7 will get something to eat in my car.

8 And she joined him in his vehicle and he took  
9 her back to his apartment at 969 Market Street.

10 MR. KAPLAN: Objection; move to strike as not  
11 relevant and beyond discovery in this case.

12 MR. RIKOS: It's also nonresponsive.

13 BY MR. HOLM:

14 Q Did she explain anything further about what  
15 occurred in the apartment?

16 MR. KAPLAN: Counsel, I thought that you had  
17 withdrawn from this case any claims other than those  
18 arising out of the distribution of the films. So if  
19 that's the case, why are you asking these questions?

20 BY MR. HOLM:

21 Q You can go ahead.

22 A Can you reask?

23 Q Did the woman who said she was tricked into  
24 coming back to Andre Garcia's apartment, tell you what  
25 occurred in the apartment that she was complaining of?



1 MR. KAPLAN: So we're either going to stop the  
2 deposition for a protective order because you are  
3 inquiring into an area that you've told the court that  
4 you are -- you are not even pursuing claims on or you  
5 can flag this as something to come back to, but either  
6 way we are not having any further discussions about  
7 this.

8 BY MR. HOLM:

9 Q How many models do you believe complained to  
10 you after the filming process that they were tricked?

11 MR. RIKOS: Well, it misstates testimony.

12 THE WITNESS: Define tricked. By Mr. Garcia or  
13 the amount of money?

14 BY MR. HOLM:

15 Q The amount of money first.

16 A About half the models I encountered complained  
17 about the funds paid and the funds quoted.

18 Q And how many do you believe complained about  
19 being tricked by Andre Garcia?

20 MR. KAPLAN: Same objection. It's also the  
21 same issue.

22 MR. RIKOS: It's also vague and ambiguous.

23 MR. KAPLAN: Counsel, if you can tie it to the  
24 claim somehow, I won't stop the deposition. But  
25 gratuitous questions about Mr. Garcia that you are not



1 even pursuing claims on, it's just a waste of our time  
2 and it invades his privacy.

3 MR. O'BRIEN: I think it's relevant to 17200.

4 BY MR. HOLM:

5 Q You can go ahead.

6 A I would say a handful.

7 Q Okay. Did you relay those complaints about  
8 Andre Garcia tricking women to Michael Pratt?

9 A Yes, every single time.

10 Q Did you relay the model complaints about not  
11 being paid what they were promised prior to flying to  
12 San Diego to Michael Pratt?

13 A Not every time, no.

14 Q Approximately how many times do you think you  
15 told Michael Pratt after transporting a model that the  
16 model had complained that she wasn't paid what she was  
17 promised when she got on an airplane?

18 A I did not make a point of communicating to  
19 Michael Pratt that a model was unhappy with her pay  
20 because he knew. He was the deciding factor of the  
21 amount.

22 I one time communicated that a model refused to  
23 get in my car and leave and fly back home until she was  
24 settled up and paid what she was quoted once.

25 Q What --



1 MR. KAPLAN: Objection; misleading, it assumes  
2 facts not in evidence, it lacks foundation.

3 MR. RIKOS: It's argumentative.

4 BY MR. HOLM:

5 Q You can go ahead.

6 A Can you repeat the question?

7 Q You can have it read back.

8 THE REPORTER: "Question: Did you ever voice  
9 any concerns to Michael Pratt that something should  
10 be done to slow down the amount of complaints you  
11 received from women?"

12 THE WITNESS: Yes.

13 BY MR. HOLM:

14 Q What did you say to Mr. Pratt in that regard?

15 A I made suggestions. I recommended that I send  
16 Postmates to deliver food to their hotel rooms to avoid  
17 Andre Garcia coaxing them for dinner.

18 I don't -- I don't know if I made any other  
19 recommendations. When I reported the unhappy models to  
20 Michael Pratt about the footage, I knew not to make any  
21 recommendations.

22 Q What do you mean by that?

23 MR. RIKOS: Well, move to strike that prior  
24 answer everything after food to the rooms --

25 MR. KAPLAN: Join.



1 MR. RIKOS: -- as nonresponsive.

2 THE WITNESS: I am sorry, what?

3 BY MR. HOLM:

4 Q Why did -- why did you say you knew not to make  
5 any recommendations to Michael Pratt regarding the  
6 complaints that you received from models about the  
7 distribution of the videos?

8 MR. RIKOS: Now that misstates the testimony.  
9 Grossly misstates the testimony, Mr. Holm. It's  
10 argumentative, it's leading.

11 MR. ROWLETT: If I can get that question read  
12 back.

13 THE REPORTER: "Question: Why did you say you  
14 knew not to make any recommendations to Michael  
15 Pratt regarding the complaints that you received  
16 from models about the distribution of the videos?"

17 MR. ROWLETT: Go ahead. You can answer, if you  
18 understand.

19 THE WITNESS: Because he knew that they weren't  
20 going to the place they were promised.

21 MR. KAPLAN: Move to strike that as  
22 speculation, lacking foundation.

23 BY MR. HOLM:

24 Q Why do you believe Mr. Pratt knew that the  
25 videos were not going to where the women were being



1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken  
4 before me at the time and place herein set forth; that  
5 any witnesses in the foregoing proceedings, prior to  
6 testifying, were duly sworn; that a record of the  
7 proceedings was made by me using machine shorthand  
8 which was thereafter transcribed under my direction;  
9 that the foregoing transcript is a true record of the  
10 testimony given.

11 Further, that if the foregoing pertains to  
12 the original transcript of a deposition in a Federal  
13 Case, before completion of the proceedings, review of  
14 the transcript [ ] was [ ] was not requested.

15 I further certify I am neither financially  
16 interested in the action nor a relative or employee  
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20 Dated: 12/19/2018

21  
22  
23   
24

25 ANELA SHERADIN

CSR NO. 9128